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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,176	02/28/2002	Matthew Plan	P21784	4794

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/084,176

**Applicant(s)**

PLAN, MATTHEW

**Examiner**

Gerald Gauthier

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/2004 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1-5, 7-12 and 14-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf ((US 6,014,428).

Regarding **claim(s) 1**, Wolf discloses a method for implementing a customized instance of a dynamic interactive voice system for a customer (column 1, lines 23-25), the method comprises:

configuring a call flow that incorporates a plurality of call flow nodes (menus) of different nodes types, the different nodes types comprising a plurality of standard nodes

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(menus records) and a plurality of preprogrammed designer tool kit modules (voice templates), each designer tool kit modules having a different interactive voice response functionality (FIG. 1B and column 4, lines 9-27) [The user can configure dynamically the voice menu system 100 which includes a plurality of menus 102 each menu 102 includes a plurality of menu records 104 and each record 104 contains a number of voice templates having a different interactive response];

storing the call flow in association with an identification of the customer (FIG. 3 and column 5, lines 40-50) [The mail box property dialog is stored with a DTMF key 1 identifying the customer Richard];

activating the stored call flow to a dialed number associated with the customized instance (FIG. 4 and column 5, lines 51-64) [The user records a prompt associated with the customer mailbox and the caller has to dial the number to leave a message for the particular customer]; and

processing at least one call flow node of the stored call flow (FIG. 4 and column 5, lines 51-64) [The remote caller inherently calls the system and presses the appropriate key to access the desired mailbox after the recorded prompt is played].

Regarding **claim(s) 2**, Wolf discloses displaying at least one data field relating to at least one parameter of each call flow node at a display terminal, the at least one parameter directing processing of the associated call flow node (FIG. 2 and column 5, lines 1-12); and

receiving data defining the at least one parameter from the display terminal (FIG. 2 and column 5, lines 1-12).

Regarding **claim(s) 3, 8 and 10**, Wolf discloses the at least one parameter comprises an identification number of a selected call flow node of the plurality of call flow nodes to be processed after the at least one call flow node (FIG. 4 and column 5, lines 51-64).

Regarding **claim(s) 4**, Wolf discloses an initial call flow node of the plurality of call flow nodes comprises a menu node (FIG. 1B and column 4, lines 9-27).

Regarding **claim(s) 5 and 9**, Wolf discloses the standard node comprises one of a menu node, a transfer node, a vocabulary node and an end node (FIG. 1B and column 4, lines 9-27).

Regarding **claim(s) 7**, Wolf discloses all the limitations of **claim(s) 7** as stated in **claim(s) 1**'s rejection and furthermore discloses displaying a data field for each node at a graphical user interface, the data field corresponding to a variable parameter associated with the node type of the node (FIG. 2 and column 5, lines 1-12) [The IVR system 26 is accessed by the use of graphical user interface screens that allow the user to create the proper menu].

Regarding **claim(s) 11**, Wolf discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 5, lines 21-39).

Regarding **claim(s) 12**, Wolf discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (FIG. 3 and column 5, lines 40-50).

Regarding **claim(s) 14 and 16**, Wolf discloses all the limitations of **claim(s) 14 and 16** as stated on **claim(s) 7'** s rejection and furthermore an interactive voice response system (26 on FIG. 1A), a user terminal (10 on FIG. 1A) a database (30 on FIG. 1A).

Regarding **claim(s) 15**, Wolf discloses the at least one port of the IVR system being associated with a telephone number of the customer, so that the incoming call is directed by a public switched telephone network to the at least one port based on calls to the customer telephone number (column 4, lines 1-8).

Regarding **claim(s) 17 and 20**, Wolf discloses all the limitations of **claim(s) 17 and 20** as stated on **claim(s) 7'** s rejection above.

Regarding **claim(s) 18**, Wolf discloses an administrative source code segment that is initiated by an escape code received by the IVR source code segment via the incoming call and that enables at least one of an addition, a deletion and a change of an administrative variable associated with the call flow (column 5, lines 13-20).

Regarding **claim(s) 19**, Wolf discloses the administrative variable comprises one of a telephone extension number and a voice announcement (column 1, lines 44-55).

Regarding **claim(s) 21-26**, Wolf discloses each designer tool kit module has different tools for different audiences (column 4, lines 9-27).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim(s) 6 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Levin et al. (US 2003/0149566).

Regarding **claim(s) 6 and 13**, Wolf as applied to **claim(s) 1 and 7** above differs from **claim(s) 6 and 13** in that it fails to disclose the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality.

However, Levin teaches the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality (§ 0004).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Wolf using an automated directory assistant as taught by Levin.

This modification of the invention of Wolf would enable the user to choose from the listing names.

### ***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 1-26** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
January 31, 2005

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

*Ovidio Escalante*